

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JODI L. CRANE,

Plaintiff,

v.

CITY OF DUNSMUIR, et al.,

Defendants.

No. 2:21-cv-0022-TLN-CKD (PS)

ORDER VACATING HEARING AND
ORDER TO SHOW CAUSE

Plaintiff Jodi Crane proceeds pro se in this civil rights action brought under 42 U.S.C. § 1983. On July 8, 2021, the court granted in part defendants' motion under Rule 12(b) of the Federal Rules of Civil Procedure and dismissed the second amended complaint. The court granted plaintiff leave to file a third amended complaint attempting to state claims against defendant Todd Juhasz only.


On August 23, 2021, defendants moved to dismiss the third amended complaint. Defendants' motion was set for a hearing on September 29, 2021. To date, plaintiff has not filed an opposition to the motion to dismiss, or a statement of non-opposition, and has not sought an extension of time to do so. Accordingly, the hearing set for September 29, 2021 will be vacated, and, if appropriate, will be reset at a later date. Plaintiff is ordered to show cause, in writing, why plaintiff's failure to oppose the motion to dismiss should not waive the right to oppose the motion and why this action should not be dismissed on the basis of the failure to oppose the motion.

1 Local Rule 230(l) provides, in part: “Failure of the responding party to file an opposition
2 or statement of non-opposition may be deemed a waiver of any opposition to the granting of the
3 motion and my result in the imposition of sanctions.” In the Order Setting Status Conference
4 dated January 12, 2021, a copy of which was served on plaintiff by defendants (see ECF Nos. 2,
5 3), plaintiff was cautioned that pursuant to Local Rule 230(c), an opposition to the granting of any
6 motion must be filed fourteen days prior to the noticed hearing date. In that same order, plaintiff
7 was cautioned “[n]o party will be entitled to be heard in opposition to a motion at oral arguments
8 if written opposition to the motion has not been timely filed by that party.” Plaintiff was notified
9 that failure to comply with the Federal Rules of Civil Procedure, Local Rules of Practice, or
10 orders of this court could result in dismissal of this action. Despite receiving these admonitions,
11 plaintiff has not filed an opposition to the pending motion to dismiss or statement of non-
12 opposition.

13 Based on the foregoing, IT IS ORDERED:

- 14 1. The September 29, 2021 hearing on defendants’ motion to dismiss is vacated; and
- 15 2. Within 14 days from the date of this order, plaintiff shall show cause, in writing, why
16 plaintiff’s failure to oppose defendants’ motion to dismiss should not waive the right
17 to oppose the motion, and shall show cause, in writing, why this action should not be
18 dismissed. If plaintiff no longer wishes to prosecute this case in this court, then
19 plaintiff may file a notice of voluntary dismissal pursuant to Federal Rule of Civil
20 Procedure, Rule 41(a)(1), which will result in a recommendation that this action be
21 dismissed.

22 Dated: September 22, 2021

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24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE

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